

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GREATER BOSTON LEGAL SERVICES,)
et al.)
Plaintiffs,) **UNOPPOSED MOTION FOR
EXTENSION OF TIME TO
FILE MOTION CHALLENGING THE
SUFFICIENCY OF THE
ADMINISTRATIVE RECORD**
v.)
U.S. DEPARTMENT OF HOMELAND)
SECURITY, *et al.*) Civ. No. 21-cv-10083
Defendants.)

Plaintiffs respectfully request an eight-week extension to file their motion challenging the sufficiency of the administrative record in the above-captioned case. As grounds for the request, Plaintiffs state:

1. Plaintiffs—lawyers, a law firm, and a nonprofit legal services organization who represent noncitizens in immigration matters—brought this Administrative Procedure Act case. Complaint, ECF No. 1.
2. On April 21, 2023, the Court entered a scheduling order pursuant to the Parties’ April 2, 2023 Amended Joint Statement. ECF No. 92. This scheduling order included a briefing schedule for any potential challenge by Plaintiffs to the sufficiency of the administrative record.
3. On May 16, 2023, the Parties filed a joint motion for a seven-day extension of the deadlines associated with a potential challenge to the sufficiency of the administrative record. ECF No. 94. The Court granted this motion and extended Plaintiffs’ deadline to file a motion challenging the sufficiency of the administrative record until July 28, 2023. ECF No. 95.
4. On May 24, 2023, Defendants produced to Plaintiffs the administrative record (herein, “Record”). Consistent with the extended deadlines, *see* ECF No. 95, on June 30, 2023,

Plaintiffs notified Defendants by letter of their objections to the sufficiency of the Record. On July 14, 2023, the Parties met and conferred by phone. The Parties agreed that it would be beneficial to continue discussing the scope of the Record and had a second call on July 21, 2023. The Parties agreed on the July 21 call that it would be beneficial to continue discussions about Plaintiffs' objections to the sufficiency of the Record and the potential resolution of those objections outside of court.

5. The Parties are continuing their productive discussions about the scope of the Record and hope to resolve some of Plaintiffs' objections in the coming weeks. However, in light of the ongoing discussions between the Parties, Plaintiffs require additional time to determine whether to file a motion to challenge the sufficiency of the Record. Accordingly, Plaintiffs request an eight-week extension to file their motion to challenge the sufficiency of the Record, which will allow the Parties to conclude their discussions and the Plaintiffs to prepare any motion that they might choose to file.

6. If granted, the extension will impact the Parties' proposed schedule in the event of a dispute about the sufficiency of the Record. The Plaintiffs, therefore, respectfully request those dates be extended by a corresponding amount, as outlined below.¹

Description	Deadline	New Deadline
Plaintiffs' motion challenging the sufficiency of the administrative record if the Parties are unable to resolve any differences	July 28, 2023	September 22, 2023

¹ If the Parties agree prior to eight weeks that discussions concerning the scope of the Record are no longer productive, Plaintiffs may file their motion challenging the sufficiency of the Record sooner. Upon the filing of a motion by Plaintiffs, Defendant's opposition to the motion would be due 21 days after Plaintiffs file their motion, and Plaintiffs' reply would be due 14 days after Defendants file their opposition.

Defendants' opposition to Plaintiffs' motion	August 18, 2023	October 13, 2023
Plaintiffs' reply in support of motion	September 1, 2023	October 27, 2023

7. Undersigned counsel communicated with Defendants' counsel who indicated that they do not oppose the relief requested. *See* infra Rule 7.1(a)(2) Certification.

8. For the reasons described above, Plaintiffs contend that good cause exists for this extension.

WHEREFORE, Plaintiffs respectfully request that the Court grant this motion and extend the deadline for Plaintiffs to file a motion to challenge the sufficiency of the administrative record by eight weeks.

/s/ John T. Montgomery
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Dated: July 26, 2023

RULE 7.1(a)(2) CERTIFICATION

On July 14, 2023, the Parties met and conferred to discuss the scope of the Record. The Parties agreed to continue their discussion and held a second call on July 21, 2023. During the July 21, 2023 call Plaintiffs' counsel verbally notified Defendants' counsel of their intention to file a motion requesting an additional month to file their motion challenging the sufficiency of the administrative record. Defendants' counsel confirmed that they would not oppose the motion.

/s/ John T. Montgomery
John T. Montgomery

CERTIFICATE OF SERVICE

I hereby certify that this document will be served on all registered parties through the court's CM/ECF system.

/s/ John T. Montgomery
John T. Montgomery